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IN THE UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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**CALIFORNIA DEPARTMENT OF TOXIC
SUBSTANCES CONTROL,**

15 Plaintiff,

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v.

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**ESTATE OF HERBERT S. McDUFFEE,
JR., DECEASED, ET AL.¹**

19 Defendants,

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22
**AND RELATED CROSS-CLAIMS,
COUNTERCLAIMS AND/OR THIRD-
PARTY ACTIONS.**

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CIV-S-02-0018 GEB GGH

**STIPULATION TO MODIFY CONSENT
DECREE AND [Proposed] ORDER**

Courtroom: 10

Judge The Hon. Garland E. Burrell, Jr.

Trial Date: None

Action Filed: January 4, 2002

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¹ It is noted that the plaintiff's claims against the first named defendant in this action have been settled.

Plaintiff, California Department of Toxic Substances Control (“the Department”) and defendant Mid Valley Development, Inc. (“Mid Valley”) hereby stipulate and agree as follows:

3 The Consent Decree and [Proposed] Order in this matter that was filed on April 1, 2010
(Document 1102) and approved by the Court on April 28, 2010 (Document 1120) is modified as follows:

- 6 1. Paragraph 7.1(b) is modified to provide that Mid Valley shall pay \$140,000 (One
7 Hundred Forty Thousand Dollars) to the Department, consisting of an initial payment of
8 \$14,000 (Fourteen Thousand Dollars) to the Department due by June 5, 2010 (this
9 payment has been made), and nine additional payments to the Department in the amount
10 of \$14,000 plus interest at the rate of 2% per year, due by the fifth day of the subsequent
11 nine months. The required payment amounts are shown on Exhibit A in the column
12 “Total Monthly Installment.” Mid Valley may pay the entire balance at any time during
13 the nine months.
- 14 2. If any of the payments required above are not received by the Department by the due
15 date, the entire remaining balance shall be immediately due and payable, and the
16 Department may pursue all available means for collecting the full balance at that time.
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18 IT IS SO STIPULATED.

Dated: July 23, 2010

CALIFORNIA DEPARTMENT OF TOXIC
SUBSTANCES CONTROL

21 By /s/ Sandra Goldberg, Esq.
22 EDMUND G. BROWN, JR.
23 Attorney General of California
24 MARGARITA PADILLA
25 Supervising Deputy Attorney General
26 SANDRA GOLDBERG
Deputy Attorney General
*Attorneys for California Department of Toxic
Substances Control*

Dated: July 23, 2010

MID VALLEY DEVELOPMENT, INC.

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By /s/ Jeffory J. Scharff, Esq.

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JEFFORY J. SCHARFF

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SCHARFF, BRADY & VINDING

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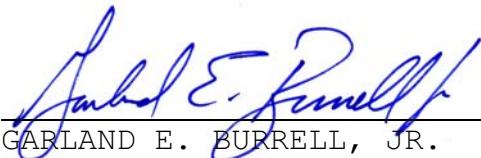
Attorneys for Mid Valley Development, Inc.

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IT IS SO ORDERED.

Dated: 7/23/10


GARLAND E. BURRELL, JR.
United States District Judge

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